

Chairman Mark M. Bodi
Commissioner Patricia T. Russell
Commissioner Richard E. Simard

Chief Eddie Edwards
Legal Assistant Nancy C. Shea

MINUTES OF THE NHSLC
BUREAU OF ENFORCEMENT AGENDA FOR
WEDNESDAY, OCTOBER 8, 2008

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, OCTOBER 8, 2008:

None

4. HEARINGS SCHEDULED:

None

5. HEARINGS WITH DATES TO BE DETERMINED:

None

6. PENDING CASES:

None

THE COMMISSION HAD NO QUESTIONS ON ITEMS 1-6.

7. WARNING LETTERS/FINES:

- a. American Legion Post 11, 20 Webster Street, Jaffrey, NH.
Veterans Club License #31139.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: September 3, 2008
Case # 08-637-OF.
Recommendation: \$1,000 Administrative fine with \$250 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on October 15, 2008, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all managers and servers on duty at the time the violation occurred.
COMMISSION APPROVED.

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- b. The Draft, 67 South Main Street, Concord, NH.
Restaurant Full Service With Lounge License #1310603.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: March 27, 2008.
Case #: 08-283-OF.
Recommendation: Letter of Warning.
CHAIRMAN BODI RECUSES HIMSELF; ITEM WITHDRAWN UNTIL NEXT AGENDA.
- c. Whale's Tail Restaurant & Pub, 169 Ocean Blvd., Hampton, NH.
Restaurant Full Service With Lounge License #1361803.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: August 28, 2008.
Case #: 08-631-OF.
Recommendation: \$500 Administrative fine and four (4) points assessed to the liquor license.
COMMISSION APPROVED.

8. **NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:**

None.

9. **NEW LICENSES:**

- a. "AS" Bar-Grill LLC,
37 Manchester Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Beverage/Wine/Liquor License #1363003 pursuant to RSA 178:21, II(a).
Recommendation: Approval.
COMMISSION APPROVED.
- b. L.B.O. Holding, Inc. DBA Attitash/Bear Peak Resort,
Route 302, Bartlett, NH 03812.
To be issued Beer Festival Beverage and Specialty Beer License #8314 for October 11, 2008 from 12pm to 6pm and October 12, 2008 from 12pm to 5pm pursuant to RSA 178:30.
Recommendation: Approval.
COMMISSION APPROVED.

10. **REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:**

- a. Belmont Wine Exchange LLC,
1091 Industrial Road, Suite 107, San Carlos, CA 94070.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Conway Vineyards, Inc.,
2717 Aviation Way, E23, Santa Maria, CA 93455.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Ellvee Enterprises LLC DBA Vintner's Cellar Winery of Concord,
133 Loudon Road, Concord, NH 03301.
To be issued Wine Manufacturer Off-Premise Wine Only License #562030 pursuant to RSA 178:8.
Recommendation: Approval.
COMMISSION APPROVED.

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- d. Jackson Family Wines, Inc. DBA Freemark Abbey Winery,
3022 Saint Helena Highway North, Saint Helena, CA 94574.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- e. Jackson Family Wines, Inc. DBA Byron Vineyard & Winery,
5250 Tepusquet Canyon Road, Santa Maria, CA 93454.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Jackson Family Wines, Inc. DBA Arrowood Vineyards and Winery,
14347 Sonoma Highway, Glen Ellen, CA 95442.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- g. Jackson Family Wines, Inc. DBA Cambria Winery,
5475 Chardonnay Lane, Santa Maria, CA 93454.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- h. Manchester Brewing LLC,
119 Old Turnpike Road, Unit 3G, Concord, NH 03301.
To be issued Beverage Manufacturer Off-Premise Beverage Only License #288618
pursuant to 178:12.
Recommendation: Approval.
COMMISSION APPROVED.
- i. Millercoors LLC,
311 10th Street, Golden, CO 80401.
To be issued Beverage Vendor License #46031 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- j. Millercoors LLC,
311 10th Street, Golden, CO 80401.
Beverage Vendor Permit License #46131 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- k. Millercoors LLC,
311 10th Street, Golden, CO 80401.
Beverage Vendor License #46231 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- l. Millercoors LLC,
311 10th Street, Golden, CO 80401.
To be issued Beverage Vendor License #46331 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- m. Millercoors LLC,
311 10th Street, Golden, CO 80401.
Beverage Vendor License #46431 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- n. Millercoors LLC,
311 10th Street, Golden, CO 80401.
Beverage Vendor License #46531 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- o. Pedras Wine Company LLC,
5055 Solano Avenue, Napa, CA 94558.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.

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- p. Porter Family Vineyards LLC,
1189 Green Valley Road, Napa, CA 94558.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- q. Robert Talbott, Inc. DBA Robert Talbott Vineyards,
1380 River Road, Salinas, CA 93908.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- r. Sbragia Family Vineyards LLC,
9990 Dry Creek Road, Geyserville, CA 95441.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- s. Seyopp Corporation DBA Quality House,
Two Park Avenue, New York, NY 10016.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- t. Vintrust, Inc.,
760 Hanna Drive, Suite C, American Canyon, CA 94503.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- u. Wagner Winery LLC DBA Wagner Vineyards,
9322 State Route 414, Lodi, NY 14860.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.

11. PETITIONS FOR COMMISSION APPROVAL:

- a. Boston Culinary Group, Inc.
719 Cherry Valley Road, Gilford, NH 03246.
Sports Recreation Facility On-Premise Cocktail Lounge License #572305.
Licensed pursuant to RSA 178:22, V(v).
Requests approval for an outside area, to wit, an outdoor bowl area
appropriately sanctioned off for September 26, 27, October 3, 4, 10, 11, 17,
18, 24, 25, 29, 30, and 31, 2008 pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Boston Culinary Group, Inc.,
719 Cherry Valley Road, Gilford, NH 03246.
Sports Recreation Facility On-Premise Cocktail Lounge License #572305.
Licensed pursuant to RSA 178:22, V(v).
Requests approval for an outside area, to wit, an outdoor bowl area
appropriately sanctioned off on October 5, 2008 pursuant to RSA 178:24 and
Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Boston Culinary Group, Inc. DBA Lift Pub,
9 Franconia Notch State Park, Franconia, NH 03580.
Restaurant On-Premise Beverage/Wine/Liquor License #1305403.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, an outdoor area appropriately
sanctioned off on October 4, 2008 from 1pm to 12am pursuant to RSA 178:24
and Liq. 404.05.
Recommendation: Approval.
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- d. Fritz Belgian Fries LLC,
45 Main Street, Keene, NH 03431.
Restaurant On-Premise Beverage/Wine License #1241903.
Licensed pursuant to RSA 178:20.
Requests approval for an outside area, to wit, an outside area appropriately sanctioned off on October 25, 2008 from 10:00am to 10:00pm pursuant to RSA 178:24 and Liq. 404.05
Recommendation: Approval.
COMMISSION APPROVED.
- e. John MacDougall LLC DBA MacDougall's Tavern,
630 Park Avenue, Keene, NH 03431.
Restaurant On-Premise Cocktail Lounge License #1367103.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, an outside area appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Resom Seven Plus LLC DBA Lazy Lion Café,
4 North Road, Deerfield, NH 03037.
Restaurant On-Premise Beverage/Wine/Liquor License #1367203.
Licensed pursuant to RSA 178:21.
An outside area appropriately sanctioned off with seating for 20 pursuant to RSA 178:24 and Liq. 404.05
Recommendation: Approval.
COMMISSION APPROVED.
- g. Two Markines Kitchen LLC DBA White Mountain Cider Company,
Route 302, Glenn, NH 03838.
Restaurant On-Premise Cocktail Lounge License #1296703.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, an outside area appropriately sanctioned off on September 27, 2008 pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- h. Wally's Pub LLC,
144 Ashworth Avenue, Hampton, NH 03842.
Restaurant On-Premise Cocktail Lounge License #1286503.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, an outside parking lot area appropriately sanctioned off on October 12, 2008 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION APPROVED.

12. **COMMISSION DECISIONS PENDING:**

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.

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- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.
- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.
Direct Shipper License #8086533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 25, 2008.
Hearing date: July 22, 2008.

13. **COMMISSION DECISIONS AFTER HEARING:**

14. **MISCELLANEOUS ITEMS:**

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
 - 1. 5 % tax on all retail sales at the winery and farmer's markets.
 - 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.
- b. Redhook Brewery - request to ship beer into NH for distribution under the Manufacturer's Statute.
TABLED AT ENFORCEMENT AGENDA MEETING OF 9/24/08.
COMMISSION APPROVED.

15. **EXECUTIVE SESSION ITEMS:**